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September 2, 2022

MEMO ENDORSED

VIA E-COURTS

Judge Valerie E. Caproni
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Gene Russo v. New Jersey Transit Rail Operations, Inc.
Civil Action No.: 1:22-cv-01751
Our File No. 4570

Dear Judge Caproni:

Our office represents Defendant, New Jersey Transit, in the above-captioned matter. I write to Your Honor in response to the letter from Plaintiff's counsel regarding outstanding discovery.

Last week I anticipated receiving confirmation from the New Jersey Transit claims representative about scheduling corporate representative witnesses for deposition per Plaintiff's notice. I was informed that the claims representative handling this matter has a health issue and is unexpectedly receiving treatment. I was also informed that this prevented him from communicating with the various witnesses regarding their depositions.

Health issues notwithstanding, we have a witness who can testify to categories 1, 2, 5, and 7 who is available next Thursday and Friday (9/8 and 9/9) at 2:00 PM. We have another witness available to cover categories 3 and 6. That witness is generally available next week after Tuesday, but the specific date and time will have to be agreed upon.

I agree with Plaintiff's counsel that this dispute is picayune and wish he had simply given me a call to discuss prior to unilaterally filing this motion without leave.

Thank you for Your Honor's attention to this matter.

Respectfully submitted,

/s/ Thomas C. Hart /s/

Thomas C. Hart

In light of the Defendant's update, the Court will take no action as it appears this dispute has now been resolved.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Valerie Caproni", is written over the typed name.

09/05/2022

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE